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ACTIVITY REPORT ON THE ADMINISTRATION OF THE

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY (ATIPP) *ACT*

for the period
APRIL 1, 2005 TO MARCH 31, 2006

Yukon
Highways and Public Works

February, 2007

TABLE OF CONTENTS

INTRODUCTION **1**

ADMINISTRATION OF THE ACT **1**

ATIPP PROGRAM DELIVERY 1
TRAINING 2
WEB SITE 2

STATISTICAL INFORMATION **3**

REQUESTS RECEIVED 3
CORRECTION OF PERSONAL INFORMATION 5
COMPLETED REQUESTS 5
ACCESS DECISIONS 6
EXCEPTIONS TO DISCLOSURE 7

FEES INFORMATION **8**

The Office also provides procedural advice to ATIPP coordinators within public bodies and is responsible for corporate policy development in the access and privacy areas.

Fifteen of the 16 departments identified as public bodies have designated ATIPP coordinators. The Department of Health and Social Services has the only full-time ATIPP coordinator. The remaining departments have assigned this responsibility to a staff member with another principal function.

Training

The ATIPP Office is responsible for training employees of Yukon public bodies on how to manage their records in accordance with the principles of the legislation and how to respond to access requests and implement privacy protection under the *ATIPP Act*. Training opportunities offered across government include general introductory, worksite-specific and customized sessions. In the fiscal year 2005/06, two introductory sessions were offered to a total of 45 government staff. In addition, several worksite-specific sessions were held and information management presentations were provided as part of the government's bi-monthly orientation sessions for new employees. Several sessions providing one-on-one training to new ATIPP coordinators were conducted.

In June, 2005, the ATIPP Act Coordinator attended Alberta's annual information and privacy conference in Edmonton. In addition, the Manager, Corporate Information Management, attended periodic national meetings of the Privacy Subcommittee of the Public Sector Chief Information Officers Council.

Web Site

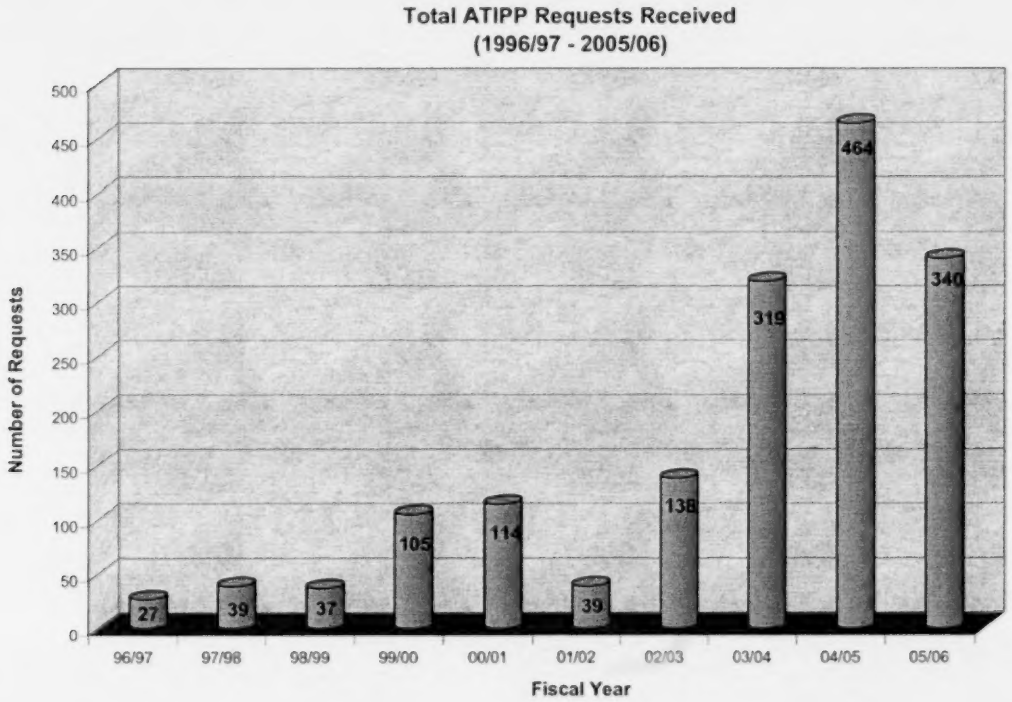
The public web site for Yukon's *Access to Information and Protection of Privacy Act* (http://www.atipp.gov.yk.ca) provides basic information about the Act, the application for information and correction of information forms, and the contact information for the ATIPP coordinators in the various public bodies.

STATISTICAL INFORMATION

Requests Received

Public bodies often release information to the public informally and are encouraged to do so, applying the limited exceptions set out in sections 15 to 25 of the *ATIPP Act*. The formal request process is used when information is not available through informal channels or when the public body or the applicant determines it would be preferable to follow the formal process.

The following graph shows the number of requests received and the overall trend since the Act came into effect ten years ago. In the fiscal year 2005/06, a total of 340 requests were received by the ATIPP Office. This reflects a 26.7% decrease over the previous year. However, the overall trend has been relatively stable over the past three years with January 2005 being unusual with a total of 115 requests received that month.



Following is a breakdown of the number of requests received by public bodies for the fiscal year 2005/06.

Total Requests Received by Public Bodies
(April 1, 2005 – March 31, 2006)

Total = 340

Public Body	*Number of Requests*
Community Services	3
Economic Development	4
Education	32
Energy, Mines & Resources	18
Environment	10
Executive Council Office	7
Finance	1
Health & Social Services	137
Highways & Public Works	13
Justice	76
Public Service Commission	2
Tourism & Culture[2]	31
Women's Directorate	0
Yukon Development Corporation	1
Yukon Housing Corporation	0
Yukon Liquor Corporation	5

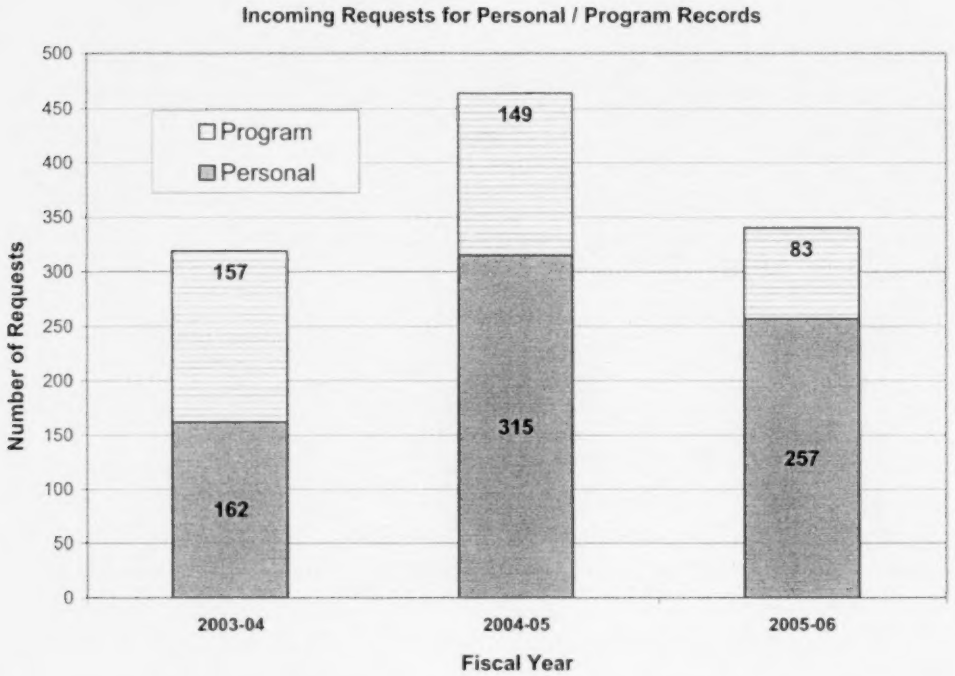
[2] Tourism & Culture includes Yukon Archives, whose mandate includes the long-term preservation of selected government records transferred from all departments.

Following is a breakdown of the number of requests received in the 2005/06 fiscal year by type of applicant placing the request. The most frequent applicant was law firms (67%) requesting client information. Second were members of the public (13%).

Types of Applicants
Fiscal Year 2005/06

Type of Applicant	*Number of Requests*	*Percentage of Overall Requests*
Business	5	1%
Interest Group	5	1%
Other Governments	9	3%
Political Party	19	6%
Media	30	9%
Public	44	13%
Law Firm	228	67%

Of the requests received in the fiscal year 2005/06, 257 (76%) were for personal information. Over the three years which were previously compared, there was a significant reduction in requests for program information relative to the number of total requests, dropping from a high of 49% in 2003/04 to the current 24% of all requests received.



Correction of Personal Information

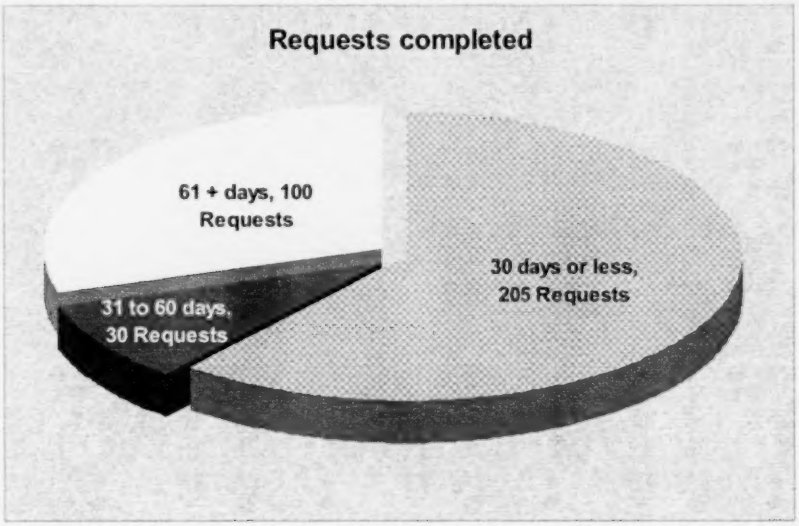
In the fiscal year 2005/06, there were no requests for correction of personal information.

Completed Requests

Carried forward as of March 31, 2005	169
New requests 2005/06	340
Total requests that were open during 2005/06	509
Completed 2005/06	**335**
Carried forward as of March 31, 2006	174

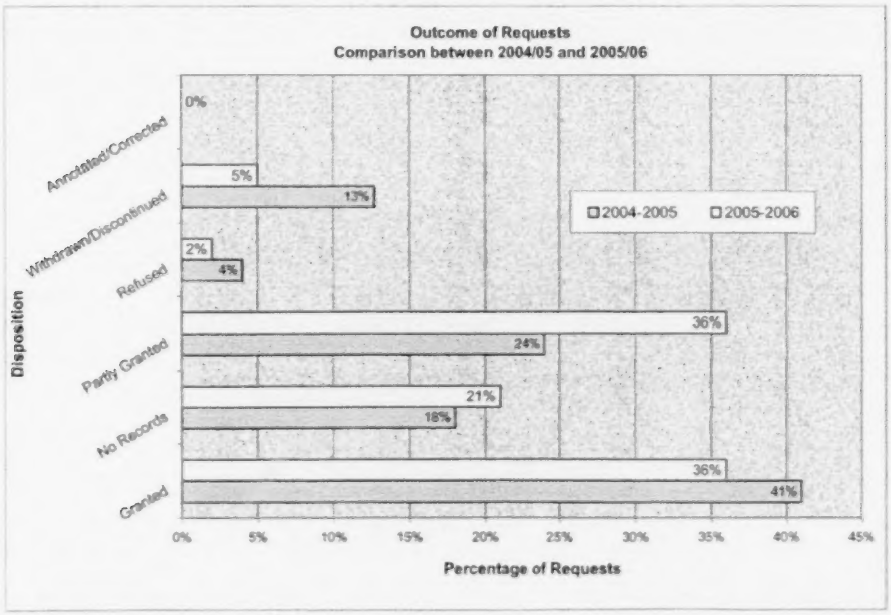
Of the 335 requests that were completed in 2005/06:

- 253 were requests for personal information and 82 were for program information.
- 205 (61%) were completed within the legislated 30-day time limit, 30 (9%) were completed within 60 days, and 100 (30%) were completed in more than 61 days.



Access Decisions

Of the 335 requests that were completed in 2005/06, 36% were granted in full, as compared with 41% in the 2004/05 fiscal year. Outcomes compared between the two fiscal years, as seen in the table below, are fairly consistent.



The following table shows the distribution of responses on completed requests. Some differences are evident in the outcome of requests as it relates to personal versus program requests, as seen in the table below.

Comparison of Outcome of Personal and Program Requests
Fiscal Year 2005/06

Response	Personal Requests Completed Number = 253	Program Requests Completed Number = 82
Granted in full	37%	34%
Partly granted / partly refused	37%	31%
Refused	<1%	7%
No records	21%	18%
Withdrawn or discontinued	4%	10%

"Granted in full" is a response used where all requested records have been released in their entirety.
"Partly granted / partly refused" is used to describe records where some of the identified records are not being released or portions of records have been removed as per exceptions set out in the *ATIPP Act*.
"Refused" describes a response where records that have been identified as being responsive to the request are not being released at all as per exceptions set out in the ATIPP Act.
"No records" is used to describe a response where the "public body" has found no records in its custody or control that respond to the applicant's request.
"Withdrawn or discontinued" means that the applicant has chosen to withdraw the request for records or has not pursued the request at some point in the process.

Exceptions to Disclosure

When a public body severs information from a record or refuses access to a record, it must indicate which section of the *Act* was used in making the decision. This decision is normally made on a line-by-line analysis of the records that have been requested. The following table summarizes the sections of the *Act* that a public body has cited when records were refused or not released in their entirety.

Within a single response, several sections of the *Act* may be cited as grounds for refusal. Therefore, the *percentage of responses in which the exception was applied* is not related to the number of requests completed but to the overall number of times an individual exception was applied.

Reasons for Refusal to Release in Total or in Part

Fiscal Year 2005/06

Exceptions to Disclosures	*ATIPP Act Section Number*	% of Responses in which the Exception was Applied
MANDATORY EXCEPTION		
Cabinet confidence	15	1%
Disclosure harmful to business interests of a third party	24	4%
Disclosure harmful to personal privacy	25	79%
DISCRETIONARY EXCEPTION		
Policy advice, recommendations or draft regulations	16	1%
Disclosure harmful to the financial or economic interests of a public body	17	<1%
Legal advice	18	3%
Disclosure harmful to law enforcement	19	7%
Disclosure harmful to intergovernmental relations or negotiations	20	1%
Disclosure harmful to the conservation of heritage sites, etc.	21	<1%
Disclosure harmful to individual or public safety	22	1%
Information that will be published or released within 90 days	23	<1%

FEES INFORMATION

There is no application fee for submitting an ATIPP request. The *Access to Information Regulation* requires that public bodies charge for time spent locating, retrieving and preparing records for disclosure, and computer processing of data. There is also a per-page fee for copying records. However, there is a provision in the *Regulation* for the first three hours required for search and preparation of the records to be free of charge. The full list of services and fees for processing ATIPP requests is set out in the *Access to Information Regulation*.

An applicant may request that the Records Manager waive all or part of the fees if the applicant can substantiate that paying the fees would cause undue financial hardship.

After a request has been received, the public body responding to the request prepares a fee estimate and this is provided to the applicant for authorization prior to commencing work on the requested records. Upon receipt of payment in the ATIPP Office, the applicant receives the records.

In 2005/06, a total of $6,262.15 in fees was paid by applicants.

LIBRARY AND ARCHIVES CANADA
Bibliothèque et Archives Canada
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